IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 2929 OF 2005

Samir Jain ...Applicant

Versus

The State of Maharashtra & Ors ...Respondents

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Mr. S.S.Parad, Advocate for Applicant.
Ms. S.V. Gajare, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 26TH JULY, 2005

P. C.:-

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State. None appears for respondents 2 to 4. The acknowledgement in respect of service is taken on record.

2. The applicant has prayed for quashing of process issued against him in Criminal Case No.601/SS/2005 which is pending in the Court of learned Metropolitan Magistrate, 24th Court at Borivli, Mumbai. In the said case, process has been issued against the applicant under Section 500, 501, 502 r.w. 34 of I.P.C. The applicant had preferred an application before the learned Magistrate for recall of process, however, in view of the decision of the Supreme Court in the case of **Adalat Prasad Vs. Rooplal Jindal & Ors. 2004 (4) Mh.L.J. 274**, the said application was not pressed and the applicant has approached this

Court under Section 482 of Cr.P.C.

3. However, in my view, for the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in Criminal Application No. 550 of 2005, the applicant has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my opinion, it would be appropriate that the applicant prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court. The learned advocate for the applicant states that the necessary revision would be preferred within a period of four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks from today. Looking to the above facts the learned Sessions Judge shall take a sympathetic view as far as the limitation in filing revision is concerned.

5. On the necessary revision being preferred by the applicant before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Application is disposed of.

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